

John Boehner
Chairman
8th District, Ohio

*House Meets at 10:30 a.m. for Morning Hour and
12:00 Noon for Legislative Business*

Anticipated Floor Action:

- H.Res. 139—Sense of Congress Regarding Dollars to the Classroom**
**S. 1227—Amending the Employee Retirement Income Security Act to Clarify
Treatment of Investment Managers**
**S. 923—Denying Veterans Burial Benefits to Persons Convicted of Federal Capital
Offenses**
H.R. 2367—Veterans’ Compensation Cost-of-Living Adjustment Act
H.R. 2644—United States-Caribbean Trade Partnership Act
H.R. 1484—Designating the J. Roy Rowland Federal Courthouse
H.R. 1479—Designating the David W. Dyer Federal Courthouse
H.R. 1119—FY 1998 National Defense Authorization Act (Conference Report)
H.R.1270—Nuclear Waste Policy Act



Bills Considered Under Suspension of the Rules

Floor Situation: The House will consider the following seven bills under suspension of the rules as its first order of business today. Each is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

H.Res. 139—Sense of Congress Regarding Dollars to the Classroom expresses the sense of the House of Representatives that the Department of Education and state and local education agencies should guarantee that 90 percent of federal funds appropriated for elementary and secondary schools is spent directly in classrooms. The resolution expresses Americans’ grave concern about the performance of public education, and the need to spend limited education dollars in the most efficient manner—where it reaches the child directly. The bill was introduced by Mr. Pitts and ordered reported by the Education & the Workforce Committee by a vote of 20-16.

S. 1227—Employee Retirement Income Security Act Amendments amends the Investment Advisers Supervision Coordination Act (*P.L. 104-290*) to permit investment advisers who are registered with either the state or the Securities and Exchange Commission (SEC) to serve as investment managers for Employee Retirement Income Savings Accounts (ERISA). The bill also requires small investment advisers to file all papers that are required by their states with the Labor Secretary. A CBO cost estimate was not prepared for the bill. The Senate passed the bill by unanimous consent, but was not considered by a House Committee.

S. 923—Denying Veterans Burial Benefits to Persons Convicted of Federal Capital Offenses, as amended by the House, denies veterans burial benefits (interment or memorialization) in a federally-funded cemetery to any person convicted of (1) a federal capital crime for which the person was sentenced to death or life imprisonment without parole, or (2) a state capital crime. The bill covers any cemetery in the National Cemetery System, Arlington National Cemetery, or any state cemetery receiving a federal grant. In addition, the bill authorizes the appropriate secretary or state official to deny burial benefits to those shown by clear and convincing evidence to be guilty of a federal capital crime if the individual is not available for trial due to death or flight to avoid prosecution. CBO estimates that enactment will have no significant impact on the federal budget. The bill was submitted to the House on June 19, 1997; the Veterans Affairs' Committee ordered S. 923 reported, as amended, by voice vote on September 11, 1997. The Senate passed S. 923 by a vote of 98-0 on June 18, 1997.

H.R. 2367—Veterans' Compensation Cost-of-Living Adjustment Act authorizes a full veterans' cost-of-living adjustment (COLA) for FY 1998, which is expected to be 2.1 percent. Specifically, the bill increases the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation (DIC) for the survivors of certain disabled veterans, effective December 1, 1997. The bill also stipulates that all compensation and DIC benefits be rounded down to the next lower dollar amount if the benefit is not a whole dollar amount. A veterans COLA was assumed in the budget resolution baseline, and savings from rounding it down were achieved by the 1997 Balanced Budget Act (BBA). As a result, CBO estimates that enactment will have no budgetary effect relative to the baseline as modified by the BBA. The bill was introduced by Mr. Stump; the Veterans' Affairs Committee reported the bill by voice vote.

H.R. 2644—United States-Caribbean Trade Partnership Act amends current law to grant certain products from Caribbean and Central American countries duty-free access when they are imported into the U.S. for a period of 14 months, beginning May 15, 1998. Products which are affected by this change include (1) textiles and apparel, (2) canned tuna, (3) petroleum and petroleum-related products, (4) footwear, (5) handbags, (6) luggage, (7) work gloves, (8) leather-wearing apparel, and (9) certain watches. This change, based on the 1983 Caribbean Basin Economic Recovery Act (CBERA), is designed to restore trade benefits previously extended to products from this region which were lost with the enactment of the 1994 North American Free Trade Agreement (NAFTA); as a result, commodities imported from many countries in the region will receive similar tariff treatment to those imported from Mexico, which are currently exempt from import tariffs. A CBO cost estimate was unavailable at press time. H.R. 2644 was introduced by Mr. Archer and Mr. Crane and was reported by the Ways & Means Committee by voice vote on October 9, 1997.

H.R. 1484 renames the Dublin Federal Courthouse building located in Dublin, Georgia, after J. Roy Rowland. Congressman Rowland graduated from the Medical College of Georgia after serving in the United States Army during World War II. In 1976, he was elected to the state legislature, where he served until he was elected to the U.S. House of Representatives in 1982. As a congressman, he

focused on health issues and was instrumental in stopping the illegal access and abuse of Quaaludes. He also provided his medical knowledge and experience when Congress considered AIDS legislation. Congressman Rowland served for six terms. The bill was introduced by Mr. Norwood and was reported by the Transportation Committee by voice vote.

H.R. 1479 names the federal courthouse located at 300 Northeast First Avenue in Miami, Florida, after David W. Dyer. Judge Dyer served on the federal bench for more than 30 years. In 1961, President Kennedy appointed him to the United States District Court for the Southern District of Florida. He served as Chief Judge from 1962 to 1966, when President Johnson appointed him to the United States Court of Appeals, Fifth Judicial Circuit. In 1976, he took senior status, and he retired in 1996. Judge Dyer was responsible for ruling on many challenges of the civil rights movement which were brought before his bench in the Fifth Judicial Circuit. The bill was introduced by Mr. Hastings (FL) and was reported by the Transportation Committee by voice vote.

Additional Information: See *Legislative Digest*, Vol. XXVI, #30, October 24, 1997.



H.R. 1119—FY 1998 National Defense Authorization Act (Conference Report)

Floor Situation: The House will consider the conference report to H.R. 1119 after it completes consideration of the scheduled suspensions. Conference reports are privileged and may be considered any time three days after they are filed; they are debatable for one hour, may not be amended, and are subject to one motion to recommit. Last week, the Rules Committee granted a rule waiving all points of order against the conference report and its consideration.

Summary: The conference report to H.R. 1119 authorizes approximately \$268.3 billion in new budget authority for FY 1998, \$28 million more than the House-passed bill, \$2.6 billion more than the president's request, and approximately \$1.7 billion more than in FY 1997. Specifically, the conference report authorizes (1) \$45.8 billion (\$800 million less than the House-passed bill) for procurement accounts, (2) \$36.5 billion for research and development activities (\$737 million less than the House-passed bill), (3) \$93.8 billion (approximately \$1.2 billion more than the House level) for operations and maintenance, (4) \$2 billion (\$122 million less than the House-passed bill) for working capital funds, (5) \$69.5 billion (\$69 million less than the House level) for military personnel, (6) \$9.2 billion (\$50 million more than the House-passed bill) for military construction and family housing, and (7) \$11.5 billion (\$551 million more than the House-passed bill) for Department of Energy funding levels.

Views: The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

Additional Information: See *Legislative Digest*, Vol. XXVI, #29, Pt. III, October 23, 1997; and #17, Pt. II, June 16, 1997.



H.R. 1270—Nuclear Waste Policy Act

Floor Situation: The House will consider the rule only for H.R. 1270 after it completes consideration of the conference report to H.R. 1119. The Rules Committee met on Friday, October 24, and granted a structured rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Commerce Committee, as well as 20 minutes of debate equally divided between the chairman and ranking member of the Resources Committee. The rule makes in order a committee amendment in the nature of a substitute as base text, and waives Congressional Budget Act requirements that the Budget Committee report provisions within its jurisdiction. It also waives House rules which prohibit appropriations in an authorization measure. The rule makes in order 10 amendments, debatable in the order listed and for the amount of time specified below. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

After passage of H.R. 1270, the rule provides for consideration of a motion to call up S. 104 (the Senate version of the bill), strike all after the enacting clause, and insert the text of the House-passed version of H.R. 1270. After adoption of the motion, the rule makes in order a motion for the House to insist on its amendment to S. 104 and request a conference.

Summary: H.R. 1270 revises the 1987 Nuclear Waste Policy Act (*P.L. 100-202* and *P.L. 100-203*) to address problems and delays that have occurred during the development of an interim storage site and a permanent disposal site for nuclear waste. Specifically, the bill (1) outlines procedures by which the waste will be transported to an interim storage site; (2) enhances safety and emergency training of public safety officials in states that the waste will be transported through; (3) extends the date for which the Department of Energy must begin accepting waste at an interim site from 1998 to 2002; (4) increases the amount of waste that may be accepted at the interim site; and (5) replaces the user fee, which is based on a flat rate, with a fee based on the amount needed to complete the project. CBO estimates that enactment will result in total outlays of \$4 billion and total offsetting receipts of \$1.7 billion over the next five years. The bill affects direct spending, so pay-as-you-go procedures apply. The bill was introduced by Mr. Upton et al. and ordered reported by the Commerce Committee by a vote of 43-3. The Resources Committee ordered the bill reported unfavorably by voice vote and the Transportation Committee discharged the bill without taking action.

Views: The Republican Leadership supports passage of the bill. The Clinton Administration has threatened to veto the bill. The administration is particularly concerned with establishing an interim storage facility before the viability assessment of the permanent disposal site is complete.

Amendments: The rule makes in order the following 10 amendments, debatable in the order listed and for the time specified below.

Mr. Schaffer will offer a manager's amendment, debatable for 10 minutes, which reflects agreements made between the Commerce, Resources, and Transportation & Infrastructure Committees. Specifically, the amendment (1) directs the Energy Secretary to minimize transporting nuclear waste through highly populated areas, (2) directs the Transportation Secretary to establish a procedure within the next year for selecting which rail routes to transport waste, (3) clarifies that nothing the bill effects the Hazardous Materials Transport Act. **Staff Contact:** Joe Kelliher, x6-2424

Mr. Kildee may offer an amendment, debatable for 10 minutes, to change the definition of an “affected Indian Tribe.” The amendment expands the definition to include two Nevada Indian Tribes as tribes that are eligible to receive assistance and be included in consultations. The two tribal lands are contiguous to the land used for the repositories. Because Indian Tribes are sovereign nations, they are offered financial assistance and advisory benefits under the bill which are similar to those received by states. *Staff Contact: Larry Rosenthal, x5-3611*

Mr. Traficant will offer an amendment, debatable for 10 minutes, to limit the nuclear waste that may be accepted by the Department of Energy to nuclear waste produced in the United States. Currently, the bill allows any Department of Defense waste and certain foreign reactor waste to be accepted. The member argues that the storage facility should not become a world repository. Opponents to the amendment argue that nuclear submarines create nuclear waste in international waters and the amendment would not allow this waste to be disposed. *Staff Contact: Dan Blair, x5-5261*

Mr. Ensign will offer an amendment, debatable for 20 minutes, to require a risk assessment and cost-benefit analysis to be conducted before the Department of Energy can carry out any provision in the bill. The member argues that the long-term impacts of disposing nuclear waste should be thoroughly evaluated to ensure that the environment and the public will be protected. Opponents argue that the amendment will bog down the project in endless studies which have already been conducted. *Staff Contact: Windsor Laing, x5-5965*

Mr. Gibbons may offer an amendment, debatable for 20 minutes, to require that each state through which nuclear waste will travel must certify that a prepared emergency response team is ready to handle any accident that may occur during transport. *Staff Contact: Jack Victory, x5-6155*

Mr. Ensign will offer an amendment, debatable for 20 minutes, to prohibit DOE from planning transportation routes during a fiscal year unless sufficient funds have been appropriated to support emergency response teams in states through which nuclear waste is being transported. *Staff Contact: Windsor Laing, x5-5965*

Mr. Markey will offer an amendment, debatable for 20 minutes, to permit the EPA to promulgate radiation standards. The bill currently repeals the EPA’s authority to do so and sets a standard of 100 millirems of radioactivity per year. *Staff Contact: Michal Freedhoff, x5-5965*

Mr. Gibbons may offer an amendment, debatable for 20 minutes, to eliminate the cap on the user fee that may be collected. Under the bill, the limit is 1.5 mill or 15 hundredths of a cent per kilowatt hour. *Staff Contact: Jack Victory, x5-6155*

Mr. Traficant will offer an amendment, debatable for 10 minutes, to require that contracts granted to carry out the provisions in the bill must comply with the Buy American Act. The amendment expresses the sense of Congress that contractors who receive funds under the bill should purchase only American-made products, and bars any person who has been convicted of fraudulently using a “Made in America” inscription, or any inscription with the same meaning, from receiving any contract or subcontract involving funds authorized by the bill. *Staff Contact: Dan Blair, x5-5261*

Ms. Millender-McDonald will offer a substitute amendment, debatable for 30 minutes, to strike all of the provisions in H.R. 1270 and maintain current law, except for bill provisions which change the user fee. The substitute retains the 1998 deadline for accepting waste at an interim site and requires the Yucca Mountain permanent disposal site to be licensed before construction of the interim site may commence. The member argues that the federal government should uphold its obligation to take responsibility for nuclear waste and that all studies should be completed to evaluate the safety of the site before any waste is relocated. Opponents of the amendment argue that it is impossible to meet the 1998 deadline for accepting waste and that unless the law is changed, DOE will become involved in an endless string of lawsuits. **Staff Contact: Marcus Mason, x5-7924**

Additional Information: See *Legislative Digest*, Vol. XXVI, #30, October 24, 1997.



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Amendment

Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
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Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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